

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

CASE NO. 1:21-cv-1776-PAB

- - -

JOHN NOAKES,

Plaintiff,

-vs-

CASE WESTERN RESERVE UNIVERSITY,

Defendant.

- - -

Deposition of LIA LOGIO, M.D., a witness

herein, via Zoom videoconferencing, taken by the  
Plaintiff as upon cross-examination and pursuant to  
the Federal Rules of Civil Procedure and Notice and  
agreement of counsel as to time and place and  
stipulations hereinafter set forth, on Tuesday,  
November 23, 2021, at 12:07 p.m., before Pamela L.  
Jackson, a Notary Public within and for the State of  
Ohio.

- - -

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## STIPULATIONS

It is stipulated by and between counsel

for the respective parties that the deposition of  
LIA LOGIO, M.D., a witness herein, called as upon  
cross-examination by the Plaintiff, may be taken at  
this time and place pursuant to the Federal Rules of  
Civil Procedure and Notice and agreement of counsel as  
to time and place of taking said deposition; that the  
deposition was recorded in stenotypy by the court  
reporter, Pamela L. Jackson, and transcribed out of  
the presence of the witness; and that said deposition  
is to be submitted to the witness for her examination  
and signature, and that signature may be affixed out  
of the presence of the Notary Public.

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1 LIA LOGIO, M.D.,  
2 of lawful age, a witness herein, being first duly  
3 sworn as hereinafter certified, was examined and  
4 deposed as follows:

5 CROSS-EXAMINATION

6 BY MR. ENGEL:

7 Q Okay. Would you please state and  
8 spell your name?

9 A Lia Logio, L-i-a L-o-g-i-o.

10 Q Okay. Where are you employed?

11 A Case Western Reserve University  
12 School of Medicine in Cleveland, Ohio.

13 Q What do you do there?

14 A The Vice Dean for Medical  
15 Education, the Director of the Center for Medical  
16 Education.

17 Q Okay. And can you repeat that  
18 because you -- you talk kind of quickly? I couldn't  
19 get it all and I suspect our court reporter couldn't  
20 get it all either.

21 A I serve as the Vice Dean for  
22 Medical Education as well as the Director for the  
23 Center for Medical Education.

24 Q How long have you held that  
25 position?

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1 A Since July 1st of 2020.  
2 Q And what are your general duties in  
3 that position?

4 A I am the Dean delegate around  
5 everything related to medical education.

6 Q Have you ever been in a deposition  
7 before?

8 A I have.

9 Q How many times?

10 A Two prior times.

11 Q What were the occasions that  
12 brought you into a deposition?

13 A One was a malpractice case and one  
14 was a case at Indiana University in my role as the  
15 Program Director.

16 Q And what did that case at  
17 Indiana University involve?

18 A The termination of a resident.

19 Q So because you have been in a  
20 deposition before you, I assume, know the basic drill  
21 here and you have got very talented counsel who I'm  
22 sure has prepared you well on this. I just have a  
23 couple rules I like to go over with everyone just so  
24 we're on the same page:

25 First rule is that, as you know,

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1 all your answers have to be out loud, so nodding your  
2 head, shaking your head, anything like that, our  
3 talented court reporter can't take down, so is -- is  
4 it okay if you agree to, you know, speak all your  
5 answers out loud?

6 A Of course.

7 Q Next is that I will do my best to  
8 ask clear and concise questions, but I don't always  
9 succeed in that task, so if at any point you are  
10 unclear about my question please let me know and I  
11 will do my best to clarify it; fair enough?

12 A Okay. Yes.

13 Q The flip side to that is if you  
14 answer a question I'm going to assume you understood  
15 it clearly and -- and fully and -- and -- and that it  
16 was well -- well put; fair enough?

17 A Yes.

18 Q Okay. Zoom creates special  
19 difficulties for us doing these depositions.  
20 Sometimes there is a lag in the -- in the audio or the  
21 video, so if I speak over you I apologize. If -- If  
22 that happens or if you feel like you haven't had a  
23 chance to fully answer a question please, you know,  
24 just interrupt, wave your arms, do whatever is  
25 necessary to let us know and -- and we'll make sure

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1 you have the chance to answer the question; okay?

2 A Yeah.

3 Q Otherwise in short of doing that  
4 we'll assume that you had the opportunity to answer  
5 every question I asked.

6 A Okay.

7 Q You are not a hostage here, so if  
8 at any point you need to take a break please let us  
9 know and -- and we will do so. The only thing I ask  
10 is that if there is a question pending or -- or we're  
11 in a -- a series of questions that we'll complete  
12 those questions and then we'll take the break; okay?

13 A Okay.

14 Q Finally in order for -- to -- to  
15 protect student privacy we refer to the Plaintiff in  
16 this case as John Noakes. The student who alleged to  
17 be the victim of activity from John Noakes is  
18 Jane Roe. If I use those names do you know who I'm  
19 referring to?

20 A I do.

21 Q And are you comfortable using those  
22 names in this deposition so that we don't have to  
23 redact information?

24 A To the best of my abilities, yes.

25 Q Yeah. And -- And we had a

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1 discussion yesterday among counsel that you were not a  
2 part of that if you do slip or I slip or -- or anyone  
3 slips and we do have a name we do have an agreement  
4 that the court reporter will redact that information  
5 or substitute the name, Noakes, or Roe in there if  
6 necessary.

7 A Okay.

8 Q Okay. The same applies to any  
9 other students -- If -- If any of your answers require  
10 you to disclose a student name please don't do so and  
11 let us know and we will figure out the way to get  
12 around that, whether it involves redacting information  
13 or just identifying a person by initials or some other  
14 way; fair enough?

15 A Fair enough.

16 Q Okay. Any questions about this  
17 process before we begin?

18 A No.

19 Q Terrific.

20 So I'm going to mark as -- We'll  
21 keep these the same number -- as Exhibit 24 a  
22 deposition -- or an Affidavit you did in this case and  
23 I'll put it up on the screen for you.

24 (Plaintiff's Exhibit 24 was marked  
25 for identification.)

1 Q You're able to view your screen and  
2 view documents I place on the screen?

3 A I am.

4 Q Okay. I have marked as Exhibit 24  
5 a document entitled "Declaration of Dr. Lia Logio"  
6 filed in this case as Document No. 18-2. Are you  
7 familiar with this document?

8 A I am.

9 Q Okay. And if I go to the last page  
10 there is that your signature there?

11 A It is.

12 Q And in signing this document you  
13 indicated that you believed everything here was -- was  
14 true and accurate?

15 A Correct.

16 Q So do you serve as a -- a  
17 Society Dean at the medical school?

18 A I do not.

19 Q Okay. What are Society Deans at  
20 the medical school?

21 MS. QUAN: Objection. Go ahead.

22 Sorry. I -- I may object from time to time,  
23 but go ahead and answer unless I instruct you  
24 not to.

25 A Society Deans are Advisory Deans.

1 If you think of Harry Potter houses like Gryffindor  
2 and Slytherin, we divide our class into six academic  
3 societies to create a smaller learning community  
4 amongst the large class, and a Society Dean is the  
5 faculty lead of those groups of students.

6 Q So how many -- or how are -- how  
7 many Society Deans are there?

8 A Six.

9 Q And -- And how are students  
10 assigned to those Society Deans?

11 A I actually don't know the answer to  
12 that.

13 Q Are you aware of any situations  
14 where a Society Dean refused to serve in that advisory  
15 role for a student?

16 A No, I am not aware of a  
17 Society Dean refusing to serve a student.

18 Q Let me show you -- I'll skip ahead  
19 here -- a document that we'll mark as Exhibit 25 which  
20 is an April 15th message from Jill Azok to you. It  
21 has Bates No. 914 at the bottom.

22 A Yes.

23 (Plaintiff's Exhibit 25 was marked  
24 for identification.)  
25

1 BY MR. ENGEL:

2 Q Are you able to see this document?

3 A I can see it.

4 Q Okay. And are you familiar with  
5 this document?

6 A I am.

7 Q And this appears to be a message  
8 from Dr. Azok requesting that she not serve as a  
9 Society Dean for John Noakes?

10 A My understanding after a  
11 conversation with Dr. Azok was that this was requested  
12 by the student, not by her.

13 Q So tell me about the conversation  
14 you had with Dr. Azok that led to this email?

15 MS. QUAN: Objection.

16 A The student indicated that he -- he  
17 felt uncomfortable with her. Her perception is that  
18 he confused her with someone else, a different faculty  
19 member, and tried to explain that to him, but he was  
20 quite persistent that she could no longer serve as his  
21 advisor. He felt uncomfortable with her in that role.

22 Q Did Dr. Azok express any  
23 reservations about serving as a Society Dean for  
24 John Noakes?

25 A Not that I recall.

1 Q Now, there are two other groups at  
2 the -- at Case Western that I wanted to ask you about.  
3 One is the Professional Working Group. What -- What  
4 is that?

5 A The Professional Working Group is a  
6 collection of faculty and coaches who serve as an  
7 objective review body for professionalism concerns.

8 Q How are people selected for that  
9 group?

10 A I don't know the answer to that.

11 Q Are you part of that group?

12 A I am not.

13 Q Do you know how often that group  
14 meets?

15 A I do not.

16 Q Are you familiar with how that  
17 group operates?

18 A I understand the basics of what  
19 they do.

20 Q And is that what you have described  
21 to me already or is there something else that you  
22 could describe about what they do?

23 A They review concerns and praises  
24 and identify strategies for helping every student  
25 succeed.

1 Q How are matters brought before the  
2 Professional Working Group?

3 MS. QUAN: Objection.

4 A My understanding is that there's an  
5 Early Concern system where individuals who have a  
6 concern about professionalism behavior a medical  
7 student can submit these concerns and they go to the  
8 Professionalism Working Group.

9 Q Is there any other way that the  
10 Professional Working Group could review the conduct of  
11 a student?

12 MS. QUAN: Objection.

13 A My understanding is that  
14 information from reliable sources can be submitted --  
15 Like it's not a closed system, so if a patient's  
16 family, for example, wrote me a letter and said they  
17 were concerned about a student's -- student's  
18 professionalism I could hand that in too as an  
19 Early Concern from a patient or patient's family.  
20 It's not like a closed system. I don't know if that  
21 answers your question.

22 Q Well, I think you have.

23 When you said you could submit it,  
24 do you mean you as a faculty member or you as your  
25 role as Administrator? Is there --

1 A Really anyone can submit one.  
2 If -- If something came in from a family member or a  
3 patient I would submit it on behalf of that patient or  
4 the family member. Staff members can submit it.  
5 Faculty can submit it. Students can submit it.  
6 Residents, fellows, nurses, can submit them.

7 Q So if any faculty observes conduct  
8 by a student that they believe could be unprofessional  
9 do they have the ability to submit that information to  
10 the Professional Working Group?

11 A They do.

12 Q Is there an expectation that  
13 faculty will submit information to the  
14 Professional Working Group if they observe  
15 unprofessional conduct by a student?

16 MS. QUAN: Objection.

17 A There is an expectation that we  
18 hold everyone, each other, accountable to professional  
19 behavior. There are multiple ways of doing that. So  
20 there is an expectation to hold each other  
21 accountable, yes.

22 Q Is -- Is it similar to -- Are you  
23 familiar with the term "mandatory reporting"?

24 A Yes.

25 Q Is -- Is there a mandatory

1 reporting type system in place at the medical school  
2 for professionalism concerns?

3 MS. QUAN: Objection.

4 A There is not that I know of.

5 Q Okay. Well, what is the  
6 expectation if a faculty member observes  
7 unprofessional conduct by a student? What -- What is  
8 the expectation that that faculty member will do?

9 MS. QUAN: Objection.

10 A It depends on the answer.

11 Depending on the situation a faculty member could  
12 address it directly like in a clinical situation. A  
13 faculty member can report in the assessment of the  
14 student, can report it outside of the assessment of  
15 the student like an Early Concern, can send an email  
16 to someone, the Society Dean, myself, others, so  
17 there -- there is not a mandatory reporting, but there  
18 is an expectation that we hold everyone, including  
19 students, accountable.

20 Q I have seen the  
21 Professional Working Group sometimes abbreviated as  
22 PWG. Is that a common abbreviation you guys use?

23 A Yes. There's a lot of  
24 abbreviations here. It took me a long time to  
25 remember.

1 Q All right. Is the PWG able to  
2 impose discipline on a student?

3 A No.

4 MS. QUAN: Objection. Sorry. Slow  
5 down just a bit --

6 THE WITNESS: Okay.

7 MS. QUAN: -- so that I can object  
8 if I need to.

9 BY MR. ENGEL:

10 Q And -- And -- And just so we're on  
11 the same page when I mean discipline I mean some kind  
12 of punitive sanction.

13 A It is the culture of the medical  
14 school to try to have every student succeed and the  
15 Professionalism Working Group is designed, in fact, to  
16 coach students towards best performance and not  
17 disciplinary action.

18 Q So the Professionalism Working  
19 Group, they can't suspend or expel a student; can  
20 they?

21 MS. QUAN: Objection.

22 A No, I do not believe they can.

23 Q Okay. How do students feel about  
24 being brought before the Professionalism Working  
25 Group?

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1 MS. QUAN: Objection.

2 A I have no idea how the students  
3 feel about it.

4 Q You know, are they fearful of being  
5 brought in front of the Professionalism Working Group?

6 MS. QUAN: Objection.

7 A I have no idea how they feel about  
8 it.

9 Q So if a student said that they are  
10 not likely to risk doing anything that might result in  
11 a review by the Professionalism Working Group are you  
12 able to agree or disagree with that statement?

13 A Can you --

14 MS. QUAN: Objection. Sorry.

15 A Can you say it again? I don't  
16 understand the question.

17 Q Sure.

18 If -- If a student were to say that  
19 they are not likely to risk doing anything that might  
20 result in a review by the Professionalism Working  
21 Group are you able to contradict that statement?

22 MS. QUAN: Objection.

23 A I'm not sure what you're asking me  
24 to agree to in that statement. I'm sorry.

25 Q Okay. I am not asking you to agree

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1 or disagree to anything. I'm -- I'm just trying to --  
2 I think before you said that you don't know -- you  
3 have no idea how the students feel about the  
4 Professionalism Working Group -- Did I -- Did I  
5 understand you right?

6 A Correct.

7 Q Okay. So to follow up on that  
8 point then if a student said that they are not likely  
9 to risk doing anything that might result in their  
10 review by the Professionalism Working Group I assume  
11 it's the same, you don't have an opinion about that?

12 MS. QUAN: Objection.

13 A I -- Students would avoid doing  
14 something to -- You're asking me that? Students would  
15 avoid doing something that would put them in front of  
16 the PWG -- Is that what you're asking me?

17 Q Well, that's -- Yeah, what's the  
18 answer to that question? I am not sure it's the same  
19 one, but I'll work through that.

20 A I think students want to succeed,  
21 so whatever that takes it's a professional identity  
22 formation process.

23 Q There's also this entity at  
24 Case Western called the Committee on Students or COS.  
25 What -- What is that group?

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1 A The Committee on Students is the  
2 adjudicator of anything -- any single student's  
3 experience in the medical school related to their  
4 overall performance.

5 Q Is the Committee -- So how does the  
6 -- Well, let me back up.

7 How does a matter get from the PWG  
8 to the COS?

9 MS. QUAN: Objection.

10 A If the -- If a student refuses to  
11 participate in the coaching process or the coaching  
12 process and the PWG's review of the coaching process  
13 determines a failure of the coaching process issues  
14 can be referred to the Committee on Students.

15 Q Is the Committee on Students able  
16 to impose disciplinary sanctions?

17 A Yes, they are.

18 Q Okay. So the Committee on Students  
19 can force people to repeat a class, take a leave of  
20 absence, even dismiss them from the University?

21 A Committee on Students is the body  
22 that makes those recommendations, yes.

23 Q How do students feel about being  
24 called to appear in front of the Committee on  
25 Students?

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1 MS. QUAN: Objection.

2 A It depends on what they're being

3 called in front of the Committee on Students for.

4 Q Well, is it ever for a good reason?

5 MS. QUAN: Objection.

6 A At times it's for a change in their

7 schedule to allow them to take a year off, not a bad

8 thing.

9 Q Okay. But if in -- in -- in that

10 case -- Well, let me mark this as an exhibit -- 26 I

11 think we're up to.

12 This is an August -- Maybe I marked

13 it already. I'm sorry. This is already -- I already

14 marked this as Exhibit 16.

15 MS. QUAN: Sorry, Josh. Did you

16 say "16"?

17 MR. ENGEL: I think that's right,

18 yeah.

19 BY MR. ENGEL:

20 Q Okay. Yes, Exhibit 16 is an

21 August 15th, 2021, letter that was entitled "Notice Of

22 Referral To The Committee On Students" to John Noakes.

23 Have you ever seen this document before?

24 A I have not.

25 Q Okay. Do you serve on the

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1 Committee on Students?

2 A I am an ex officio member.

3 Q Okay. What does that mean?

4 A I have no vote.

5 Q Are you familiar with how that

6 Committee operates?

7 A I am.

8 Q Does that Committee take any notes

9 or minutes?

10 A Yes, I believe there are minutes.

11 Q And those -- do those minutes

12 include all of the students who are reviewed by the

13 Committee on Students and the reason for the review?

14 A Yes, I would imagine that's all

15 included.

16 MS. QUAN: And, Lia, Josh is only

17 asking what you know; okay? He's not asking

18 you to speculate.

19 Q So Exhibit 16 indicates that the

20 Committee was meeting to discuss John Noakes and may

21 issue sanctions and then it lists the possible

22 sanction there -- Did I read that correctly?

23 A Yes, that's what it says.

24 Q Does every student who appears

25 before the Committee on Students receive this exact

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1 same letter?

2 MS. QUAN: Objection.

3 A I do not know.

4 Q Do you know if a student who is

5 appearing just to take a leave of absence or change

6 their schedule would receive a letter saying that they

7 might face dismissal?

8 MS. QUAN: Objection.

9 A I do not know what letter you

10 refer.

11 Q So -- So how -- how would you

12 expect the student to react when they receive a letter

13 like this?

14 MS. QUAN: Objection.

15 A It's definitely a wake-up call for

16 a student to receive such a letter.

17 Q It could be scary to receive a

18 letter like this?

19 MS. QUAN: Objection.

20 A It certainly would get my attention

21 if I were to.

22 Q And do you know if the Committee on

23 Students or the Professionalism Working Group have a

24 practice of reviewing investigations into allegations

25 of sexual misconduct by students at Case Western?

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1 MS. QUAN: Objection.

2 A I don't know exactly how to answer

3 that question. I suppose if such conduct were raised

4 to the attention through an Early Concern there would

5 be an effort to refer the concern to the Title IX

6 Office or Office of Equity here. I do not believe

7 either of those bodies have jurisdiction over that

8 since it is clearly a Title IX issue, and so, no, they

9 would not process such a concern. They would refer it

10 out.

11 Q And are you aware of any times when

12 the Professionalism Working Group or the Committee on

13 Students has reviewed a Title IX investigation after

14 the process through the Office of Equity was

15 completed?

16 MS. QUAN: Objection.

17 A I am not aware. Since I have been

18 here I have not seen that.

19 Q Bear with me a second because this

20 is a point of confusion here.

21 Let me show you Exhibit 10 which is

22 a letter from the Department of Health & Human

23 Services August 16th, 2018. Have you ever seen this

24 document before?

25 A I have not.

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MS. QUAN: And, Lia, if you need to look at the whole thing so you know how many pages and what it is Josh will certainly scroll through the whole thing.

MR. ENGEL: Yeah, I -- I will certainly scroll through it or -- or we can --

A Can you start at the beginning?

Q Sure. I'm -- I'm going -- I'm going to draw your attention to one thing, but you're certainly welcome to read the whole thing and let me know when you're ready and I'll tell you what I want to refer you to.

A I'm done.

Q What I'm going to refer you to is the paragraph entitled "Grievance Procedures and Enforcement". Let me ask you to review that.

A Okay. I have read that paragraph.

Q Is that paragraph consistent with your understanding of how allegations of sexual misconduct are handled at Case Western?

MS. QUAN: Objection.

A My reading of this is that the Title IX Office oversees the investigation Universitywide and they have 60 days to do it and that

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there were several between 2014 and 2017. The resolution of those complaints were as follows and there was no indication of unfairness in the procedural mechanism, so, yes, that's my understanding.

Q So are you familiar with any policy or practice at Case Western where after the Office of Equity's process is complete the medical school will review the Title IX matter again for any professionalism concerns?

MS. QUAN: Objection.

A It was mentioned that the formal report is reviewed by the Chair of the Committee on Students once the matter is officially closed, but I don't know if that is, in fact, the practice or if that is a policy, so I do -- the answer is I do not know the answer to your question.

Q Okay. So I'm asking some very specific follow-up questions about that: Are you aware of any policy at the medical school which states that the Committee on Students or Professionalism Working Group will review a completed Title IX investigation?

MS. QUAN: Objection.

A I am not aware of such a policy,

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but I would be happy to, you know -- I would refer to policy if that -- if I were asked that.

Q Okay. Well, you attached to your Affidavit filed in this case a copy of the Student Handbook, so I take it you're familiar with the Student Handbook?

A Yes. It's a large document, so define "familiar".

Q Right.

Well, I -- I assume you haven't memorized it; right?

So as we sit here today are you aware of any portion of the School of Medicine Handbook that indicates that the medical school will conduct an independent review of Title IX investigations?

MS. QUAN: Objection.

A No.

Q Are you aware as we sit here today of any other policy at Case Western indicating that the School of Medicine will conduct an independent review of Title IX investigations?

A No.

Q Are you aware of that ever happening in the past?

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MS. QUAN: Objection.

A No.

Q And in particular Exhibit 10 described three Title IX complaints involving School of Medicine students between 2014 to 2017. Are you aware if the School of Medicine conducted an independent review of those investigations?

MS. QUAN: Objection.

A I'm not aware. It predates me by several years.

Q You're not aware of it happening since then, since you started at the school?

A I am not.

Q So if one of your colleagues were to say that, "After the Title IX case the report is passed back to the school for the school to determine a professionalism breach," can you say that's a true statement?

MS. QUAN: Objection.

A I don't know.

Q Do you know if the Professionalism Working Group or the Committee on Students ever reviewed the Title IX case involving John Noakes and Jane Roe?

MS. QUAN: Objection.

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1 A They have not that I'm aware of.  
 2 Q Okay. So let me go back to  
 3 Exhibit 16 and just to clarify a couple of things if  
 4 the Committee on Students imposes sanctions does that  
 5 become part of a student's permanent record?  
 6 MS. QUAN: Objection.  
 7 A It's an independent decision from  
 8 the sanction itself. The sanction is voted on and  
 9 then whether or not it's included in the permanent  
 10 record is voted on separately.  
 11 Q But some of the sanctions, though,  
 12 would -- would by definition be on the permanent  
 13 record such as having to repeat a course, taking a  
 14 leave of absence, or a dismissal; right?  
 15 A Correct.  
 16 Q Are those sanctions likely to  
 17 detrimentally affect the ability of a student to get  
 18 into a residency program?  
 19 MS. QUAN: Objection.  
 20 A It would certainly be a considering  
 21 factor of a residency program.  
 22 Q And a negative considering factor  
 23 or a positive considering factor?  
 24 A I don't know --  
 25 MS. QUAN: Objection.

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1 A I don't know the response.  
 2 Q Well, I mean I am trying to imagine  
 3 a world where a residency program would look at a  
 4 student who had a disciplinary sanction from the  
 5 Committee on Students and say, "Oh, that's great," you  
 6 know, "That's a positive thing" -- How -- How -- How  
 7 would that happen?  
 8 MS. QUAN: Objection.  
 9 A As a former Residency Program  
 10 Director I can tell you some students learn tremendous  
 11 amounts from failure and misstep and they impress  
 12 afterwards.  
 13 Q So would the fact -- But then that  
 14 -- that has to do with the student's explanation;  
 15 right?  
 16 A The students respond, correct.  
 17 Q Is it fair to say students would  
 18 prefer not to have any of these things on their record  
 19 if they could avoid it?  
 20 MS. QUAN: Objection.  
 21 A I think that's fair to say.  
 22 Q Is it fair to say that students  
 23 would prefer not to appear before the Committee on  
 24 Students when there's a possibility of disciplinary  
 25 action?

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1 MS. QUAN: Objection.  
 2 A I think that's fair to say.  
 3 Q Have you reviewed the Title IX  
 4 investigation of this matter?  
 5 MS. QUAN: Objection.  
 6 A Yes, I reviewed the summary report.  
 7 Q And when you reviewed that summary  
 8 report did you identify any professionalism concerns?  
 9 A The Office of -- Let me think. The  
 10 summary report mentioned a professionalism concern.  
 11 Q So are we -- Which -- There have  
 12 been a number of Title IX investigations, but I'm --  
 13 I'm -- I guess I was referring to the original  
 14 Title IX investigation by -- Let me back up. Let me  
 15 ask these questions again.  
 16 You're aware that back in the fall  
 17 of 2020 Jane Roe made allegations that John Doe [sic]  
 18 committed sexual misconduct against her; right?  
 19 A I'm aware.  
 20 Q Okay. Have you reviewed the  
 21 investigation report involving those allegations?  
 22 A Yes, I reviewed the summary report  
 23 from the Office of Equity.  
 24 Q Okay. So in reviewing that report  
 25 did you identify any professionalism concerns in the

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1 conduct by John Noakes?  
 2 A No, not that I recall.  
 3 Q Okay. Did you identify any  
 4 professionalism concerns in the conduct by Jane Roe?  
 5 A No, not that I recall.  
 6 Q Would making false statements to  
 7 investigators be a professionalism concern?  
 8 MS. QUAN: Objection.  
 9 A Sorry. Could you repeat the  
 10 question?  
 11 MR. ENGEL: Pam, can you please  
 12 read it back?  
 13 (Question on Lines 6 and 7 was read  
 14 back by the reporter.)  
 15 A False statements would be an  
 16 integrity issue, yes. Integrity is part of  
 17 professionalism.  
 18 Q If a student threatened to bring  
 19 false charges against another student would that raise  
 20 professionalism concerns?  
 21 MS. QUAN: Objection.  
 22 A False allegations would be an  
 23 integrity issue and integrity is part of medical  
 24 professionalism.  
 25 Q So were you aware that Jane Roe had

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1 indicated to John Noakes that she was going to report  
 2 him for the lying and the sex and everything, it was  
 3 all a lie?  
 4 MS. QUAN: Objection.  
 5 A I -- I have no recollection -- I  
 6 have no knowledge of what you're talking about.  
 7 Q Okay. Are you aware that she told  
 8 him, "I'm so sorry. You didn't deserve all the  
 9 emotions and drama"?  
 10 MS. QUAN: Objection.  
 11 A No, I was not aware of what you're  
 12 speaking about.  
 13 Q Were you aware that she had told  
 14 him, "I'm sorry for making your life so horrible"?  
 15 MS. QUAN: Objection.  
 16 A No, I am not aware of their  
 17 interpersonal communications at all.  
 18 Q Were you aware that she was not  
 19 truthful with the investigators about her interest in  
 20 certain sexual activities?  
 21 MS. QUAN: Objection.  
 22 A Again I am not aware of those  
 23 details.  
 24 Q Okay. Now that you're aware of  
 25 those details does that raise professionalism concerns

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1 for you about her conduct during that investigation?  
 2 MS. QUAN: Objection.  
 3 A Again false allegations are an  
 4 integrity issue.  
 5 Q Okay. Are you going to take any  
 6 steps to pursue whether Jane Roe committed any  
 7 professionalism violations now that these have been  
 8 brought to your attention?  
 9 MS. QUAN: Objection.  
 10 A My understanding is that the  
 11 Title IX process is closed, so, no.  
 12 Q So I'm now going to show you what  
 13 we have marked as Exhibit 1 which was an April 15th,  
 14 2021, GroupMe post from John Noakes. Are you familiar  
 15 with this?  
 16 A I am.  
 17 Q First of all, what is your  
 18 understanding about this -- this GroupMe that existed  
 19 for the medical students?  
 20 A My understanding it's a  
 21 student-driven way to connect the class to each other  
 22 managed and run by the students.  
 23 Q Is it your understanding that the  
 24 GroupMe chat was supposed to be limited to school  
 25 issues?

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1 MS. QUAN: Objection.  
 2 A I do not know the rules or  
 3 regulations of it. It is not a school sanctioned  
 4 product, program.  
 5 Q So if it's not a school sanctioned  
 6 product or program why did the University get involved  
 7 at all with anything posted on there?  
 8 A The students from the class  
 9 submitted Early Concern cards and reported these other  
 10 reports to Society Deans about the GroupMe activities.  
 11 Q So do professionalism concerns  
 12 involve any activity of a student at the University in  
 13 the medical school?  
 14 MS. QUAN: Objection.  
 15 A Yes, professionalism is a code of  
 16 conduct both in the white coat and out of the white  
 17 coat, yes.  
 18 Q So if a student goes home to, say  
 19 Colorado, and gets into a fight at a bar that might  
 20 raise professionalism concerns that the PWG and COS  
 21 could look into?  
 22 MS. QUAN: Objection.  
 23 A If it were brought to our attention  
 24 potentially.  
 25 Q When you say "brought to our

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1 attention", that means that you became aware of it?  
 2 A Yes.  
 3 Q And -- And just so we're clear  
 4 on -- on what happened here this post, Exhibit 1, is  
 5 the reason that John Noakes was reviewed by the PWG?  
 6 A The Early Concerns regarding this  
 7 post are what triggered a referral to PWG, yes.  
 8 Q And did the PWG limit its review of  
 9 John Noakes to this post or did it engage in a more --  
 10 a broader review of his conduct?  
 11 MS. QUAN: Objection.  
 12 A I don't know. I am not on the PWG.  
 13 Q And is this also the same post that  
 14 resulted in John Noakes being brought before the  
 15 Committee on Students?  
 16 MS. QUAN: Objection.  
 17 A It was John Noakes' refusal to  
 18 participate in the PWG that triggered his referral to  
 19 the Committee on Students --  
 20 Q And --  
 21 A -- not the post.  
 22 Q Okay. And -- And John Noakes, I  
 23 think, indicated that he believed that the referral to  
 24 the PWG was retaliatory?  
 25 A Is that a question or a statement,

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1 sir?

2 Q It's a question.

3 A I don't know what he --

4 Q You would --

5 A I don't know what he believed.

6 Q You'd agree with me this post does

7 not mention Jane Roe by name; right?

8 A Correct.

9 Q It doesn't mention the Title IX

10 process at Case Western directly?

11 A Correct.

12 Q So what are the professionalism

13 concerns that you believe exist with this post?

14 A The reports from the students were

15 the interpretation of this post.

16 Q No. I'm asking you.

17 As you look at this post do you see

18 any professionalism concerns?

19 A I do not.

20 Q Let me show you what we have marked

21 then as Exhibit 2 -- Actually let me go ahead -- let's

22 go ahead to Exhibit 4.

23 Exhibit 4 is a Class Survey that

24 was created by a member of John Noakes' class and the

25 redacted names towards the bottom are -- are

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1 John Noakes. Have you seen this survey before?

2 A I have not seen this survey before.

3 Q Take your time to review it and

4 then when you're done I am going to ask you if in your

5 opinion does this survey raise any professionalism

6 concerns?

7 A Can you scroll down, please?

8 I would say this is a misguided

9 survey.

10 Q Does the creation and publication

11 of this survey to other members of the class raise any

12 professionalism concerns?

13 MS. QUAN: Objection.

14 A It raises concerns. Are they

15 professionalism concerns, they're misguided. It's a

16 misguided survey.

17 Q Why -- Why do you say it's

18 misguided?

19 A It's -- It's somewhat slanderous to

20 name a name.

21 Q Would -- Would you say that it --

22 it could be intended to bully or intimidate

23 John Noakes?

24 MS. QUAN: Objection.

25 A I don't know about that. My -- My

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1 sense is that our culture at Case Western School of

2 Medicine is one of sort of co-production where the

3 students sit on all of our committees, all of our

4 design teams for our curriculum. They have a deep

5 loud voice in what we do across the board. I think

6 they have learned that we like data to make decisions

7 and it's not just about one voice or, you know,

8 hearsay, so to speak.

9 So again I'm using the word

10 "misguided" somewhat intentionally in that it may have

11 been misguided efforts to bring data toward -- to

12 administration around something they felt strongly

13 about.

14 Q Is the thing that they felt

15 strongly about that they wanted John Noakes dismissed

16 from the University?

17 MS. QUAN: Objection.

18 A Can you scroll back up? My sense

19 is they just wanted to understand people's level of

20 comfort or discomfort, concerns and comfort.

21 Q Well, let me show you what we have

22 marked as Exhibit 5 which is a petition that was

23 surveyed about John Noakes. Have you ever seen this

24 document before?

25 A I have not ever seen this document.

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1 Q And it indicates is it fair to say

2 the highlight -- highlighted portion here if I can do

3 it right, "We are calling for John Noakes' expulsion

4 from the CWRU School of Medicine" -- So does that help

5 clarify what the intention of the Class Survey on

6 Exhibit 4 was?

7 MS. QUAN: And -- And just so we're

8 clear Exhibit 5 that Josh put on quickly if

9 you want to review it you -- you certainly

10 can.

11 A I have never seen that before.

12 Q Well, take your time to review

13 Exhibit 5 and then I'll ask you the same question,

14 does Exhibit 5 raise any professionalism concerns for

15 you?

16 A What's the question?

17 MS. QUAN: I'm sorry. Is there --

18 Is there -- I can't remember. Is there more

19 beyond that, beyond what's shown, Josh?

20 Q Okay. So let me ask it as a

21 question. We have taken a moment. We may have lost

22 the thread here.

23 You have had a chance to review

24 Exhibit 5?

25 A Yes, I have read it.

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1 Q Okay. Does Exhibit 5 raise any  
2 professionalism concerns?

3 MS. QUAN: Objection.

4 A Again it's very misguided.

5 Q Well, I -- I'm trying to understand  
6 the difference between misguided and unprofessional.  
7 Can you explain that to me how you're using those  
8 words?

9 A Sure. I'll try. The tone of this  
10 petition is one of fear and lack of safety and its  
11 intent is -- The reason I say it's misguided because  
12 it's not really a lie. If you have fear you should  
13 address what's making you fearful versus -- There are  
14 ways to address the fear or whatever has been  
15 triggering about this to the people who are signing  
16 this petition or drafting this petition versus --  
17 versus the be all end all of what they're demanding at  
18 the end which is the expulsion of John Noakes, so  
19 that's why I say it's misguided. It feels like  
20 there's a deep-seated problem and they're -- they're  
21 looking for the quick and easy way of eliminating the  
22 problem.

23 Professionalism is a -- It's a  
24 construct of integrity, honesty, competence, and  
25 altruism, putting others in front of themselves as

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1 a -- as a physician, the medical professionalism, so  
2 it's hard for me to say that this petition is against  
3 integrity because it's how they feel more than -- I  
4 don't know that they're saying anything that's  
5 completely not factual from their frame of reference;  
6 right?

7 So integrity, honesty, competence,  
8 and altruism -- They're clearly not putting themselves  
9 above John Noakes, but maybe they're putting  
10 themselves above their other classmates who are  
11 feeling threatened or triggered by the events.  
12 Does -- Does that help you see the difference between  
13 misguided and professional?

14 Q Well, I mean do you feel you have  
15 explained that difference satisfactorily? This is  
16 your testimony, not mine.

17 A Sorry.

18 Q I just want to make sure you feel  
19 you have explained it satisfactorily because it's your  
20 testimony, not mine?

21 A They're both -- Yes, that's my  
22 explanation.

23 Q Okay. So I -- I started to ask  
24 this line of questions and I apologize if I'm  
25 repeating part of it, but does Exhibit 4 appear to

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1 disclose any personal private information about  
2 another student?

3 MS. QUAN: Objection.

4 A Potentially the first line.

5 Q Does Exhibit 4 appear to include  
6 language that is meant to bully or intimidate?

7 MS. QUAN: Objection.

8 A I guess that's your -- that depends  
9 on your definition of bully and intimidate, "I have  
10 concerns," or, "I prefer not to be scheduled," so it's  
11 really about preference and concern.

12 Q Well, what is your definition of  
13 intimidating conduct?

14 MS. QUAN: Objection.

15 A Intimidating I would define as  
16 holding power over someone forcing them to do what I  
17 wanted. That's intimidating.

18 Q So would this meet that definition  
19 of intimidating?

20 MS. QUAN: Objection.

21 A I -- I don't see that with my  
22 definition, no, of intimidating. It's not forcing.

23 Q What is your definition of  
24 bullying?

25 MS. QUAN: Objection.

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1 A Bullying is to make feel small of  
2 someone else.

3 Q So using that definition is  
4 Exhibit -- could Exhibit 4 be considered to include  
5 language that is meant to bully John Noakes?

6 MS. QUAN: Objection.

7 A It could be construed that way  
8 given the first sentence.

9 Q Does Exhibit 4 contain inflammatory  
10 or accusatory language?

11 MS. QUAN: Objection.

12 A Potentially.

13 Q And then if we turn to Exhibit 5  
14 does Exhibit 5 disclose another's personal  
15 information?

16 MS. QUAN: Objection.

17 A It does.

18 Q Does Exhibit 5 include language  
19 that is meant to bully or intimidate John Noakes?

20 MS. QUAN: Objection.

21 A It does.

22 Q Does Exhibit 5 include inflammatory  
23 or accusatory statements?

24 MS. QUAN: Objection.

25 A Yes.

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1 Q And I'm -- I'm not trying to be one  
2 of these lawyers who hides the ball here. I am going  
3 to show you what we have marked as Exhibit 19 which is  
4 an email that was sent to the school on Friday,  
5 April 16th, 2021. Do you remember when this email was  
6 sent?

7 A Yes.

8 Q Okay. Why was this email sent?

9 MS. QUAN: And, Lia, if you need to  
10 look through the whole thing --

11 A Yeah, could you scroll down so I  
12 can remember?

13 Whoa. You're going too fast.

14 Q As I say this is kind of the whole  
15 thing on the paper here.

16 A Okay.

17 MS. QUAN: Josh, while Lia is  
18 reading that we have been going about an  
19 hour. At some point, whatever -- whatever  
20 works for you we would want a break at some  
21 point.

22 MR. ENGEL: Yeah, probably another  
23 5 or 10 minutes if that's okay. Is that okay  
24 with you, Doctor?

25 THE WITNESS: Sure.

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1 MR. ENGEL: Okay.

2 A I recall.

3 Q Okay. Why was this email sent?

4 A It was sent in response to the  
5 multiple concerns and reports regarding electronic  
6 forms of communication.

7 Q Who wrote this email?

8 MS. QUAN: Objection.

9 A Most of our communications are sort  
10 of produced jointly, multiple inputs, the Dean,  
11 myself, Student Affairs, Curricular Affairs, sometimes  
12 even our PR liaison.

13 Q How long did you work on this  
14 email -- Well, were you part of the group -- Let me  
15 back up.

16 Were you part of the group working  
17 on this email?

18 A I was.

19 Q How long had you been working on  
20 it?

21 A I don't recall.

22 Q Do you recall when you started  
23 working on it?

24 A No.

25 Q Okay. Well, what -- what I'm

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1 trying to get at is in Dr. Ricanati's Affidavit which  
2 we have marked as Exhibit 20 in Paragraph 7 he -- he  
3 -- he refers to this message and I'll ask you to read  
4 Paragraph 7 and then I'll ask you some questions about  
5 it.

6 A Yes, I recall now. So I mentioned  
7 that I was a Residency Program Director in a prior  
8 life. Social media in the health care delivery system  
9 there's a zero tolerance for anything related to  
10 disclosing information. I was surprised to learn  
11 there wasn't a social media policy and I had explored  
12 creating one with the Office of General Counsel  
13 probably mid winter and had to work out the  
14 differences between free speech and self-discovery of  
15 an undergraduate college versus the professionalism  
16 expectations of a medical school and the bridge to be  
17 in the health care delivery system with a zero  
18 tolerance policy, so that process had been ongoing to  
19 create a social media policy, but we worked to  
20 communicate a foreshadow, if you will, before the  
21 policy was officially approved, the expectations.

22 Q So would there be emails,  
23 memorandum, or other written correspondence  
24 documenting your work on this going back to early  
25 2021?

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1 MS. QUAN: Objection.

2 A Yes.

3 Q Who would -- Who would have  
4 received those emails?

5 A Probably just one, the Office of  
6 General Counsel and --

7 MS. QUAN: Lia, I'm going to  
8 instruct you not to testify as to any  
9 communication you had with the Office of  
10 General Counsel. The fact that you did is  
11 fine but not to -- not to disclose any of the  
12 communication.

13 Q Yeah, and I -- I just want to know  
14 was there -- without telling me the content of those  
15 communications were there communications with the  
16 Office of General Counsel specifically about the  
17 February -- I'm sorry -- the April 16th, 2021, email?

18 MS. QUAN: Objection. Just so I'm  
19 clear, Josh, are you asking her if she had  
20 communications with the Office of General  
21 Counsel about -- about the Early -- about  
22 what's shown in --

23 MR. ENGEL: Yeah, I asked a  
24 terrible question. Let me -- Let me rephrase  
25 it.

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1 MS. QUAN: No. I'm sorry. I -- I  
2 apologize if I didn't understand it.  
3 MR. ENGEL: No, no. I'll -- I'll  
4 -- Let me -- Let me start over.  
5 BY MR. ENGEL:  
6 Q If I understood right you started  
7 work on a policy in early 2021?  
8 A I started exploring the fact that  
9 we didn't have a social media policy.  
10 Q Okay. Were the communications  
11 about that with General Counsel without telling me the  
12 substance?  
13 THE WITNESS: Do you want me to  
14 answer that?  
15 MS. QUAN: You can answer as to  
16 whether or not you communicated with  
17 General Counsel but not the content of any  
18 communication.  
19 A Yes.  
20 Q Were there any communications with  
21 Dr. Ricanati about this issue going back to early  
22 2021?  
23 A I don't remember.  
24 Q So the first sentence of  
25 Paragraph 7 Dr. Ricanati writes that, "In or around

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1 early 2021, several medical students were referred to  
2 the Professionalism Working Group due to social media  
3 posts, social media activities, or electronic  
4 communications." Is that a true and accurate  
5 statement?  
6 A Yes.  
7 Q What were the -- How many students  
8 were referred to the PWG during that time period?  
9 A I don't remember.  
10 Q What was the nature of their social  
11 media posts or social media activities that resulted  
12 in their referral?  
13 A I don't recall the specifics.  
14 Q The next sentence he indicates he  
15 was working with you on the correspondence to the  
16 School of Medicine. Is that an accurate statement?  
17 A Yes.  
18 Q And in the next sentence it ends  
19 that after April -- after the GroupMe post you and he  
20 felt it was time to finalize and send the draft you  
21 had been working on. Is that an accurate statement?  
22 A Yeah, that's my foreshadowing the  
23 final policy, correct.  
24 Q Okay. So where would I find drafts  
25 of -- of -- the drafts that Dr. Ricanati is referring

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1 to here?  
2 MS. QUAN: Objection.  
3 A We typically work by email and then  
4 finalize in person or by Zoom.  
5 Q Did you have a conversation then  
6 with Dr. Ricanati about sending out posts on  
7 April 15th and April 16th of 2021?  
8 A I -- I believe I did. There were a  
9 lot of conversations, though.  
10 Q Okay. What do you remember as you  
11 sit here today about that conversation?  
12 A Again not to be redundant but I was  
13 surprised there wasn't a social media policy. I began  
14 to explore creating a social media policy  
15 understanding the guidelines of what that could or  
16 should be and in the setting of the April event we  
17 foreshadowed that policy by email communication to the  
18 students.  
19 Q And so just so we're clear looking  
20 at Exhibit 19 this email defines certain categories of  
21 conduct in electronic communications as  
22 unprofessional; right?  
23 A Uh-huh, that's the word used.  
24 Q That -- And that's the word you  
25 used; right?

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1 MS. QUAN: Objection.  
2 A That's the word we used, correct.  
3 Q Did you -- Did you object to the  
4 use of that word?  
5 A No.  
6 Q Did you ask anyone to change that  
7 word?  
8 A No.  
9 Q So going back to Exhibit 4 you  
10 indicated a few minutes ago that Exhibit 4 may  
11 disclose another person's private information, may  
12 include language that is bullying, and included  
13 language that was inflammatory or accusatory.  
14 A No, I didn't say that about this  
15 document. I said that about the other Exhibit 5  
16 document.  
17 Q Oh, I'm sorry. I thought you did  
18 say that this document was inflammatory or accusatory?  
19 A I -- The accused word was in  
20 Exhibit 5.  
21 Q Okay. Well, that is why I'm  
22 clarifying.  
23 Let's just focus on Exhibit 5.  
24 So now having had a chance to  
25 re-review Exhibit 19 and looking at Exhibit 5 does

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1 Exhibit 5 raise any professionalism concerns?  
2 MS. QUAN: Objection.  
3 A The end does, yes.  
4 Q Do you know if the PWG ever  
5 reviewed the conduct of the author of Exhibit 5?  
6 MS. QUAN: Objection.  
7 A I do not know.  
8 Q Do you know --  
9 A This is the first time seeing this.  
10 Q Okay. Do you know if the  
11 Committee on Students ever reviewed the conduct of the  
12 author of Exhibit 5?  
13 MS. QUAN: Objection.  
14 A I sit on the Committee on Students,  
15 so, no, they did not.  
16 MR. ENGEL: All right. Now's a  
17 good time to take a break if that's okay with  
18 you, Amanda?  
19 MS. QUAN: Perfect.  
20 MR. ENGEL: Okay with you, Doctor?  
21 THE WITNESS: Sure.  
22 MR. ENGEL: Okay. Let's go off the  
23 record.  
24 (Deposition stood in recess at  
25 1:26 p.m.)

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1 (Deposition reconvened at  
2 1:54 p.m.)  
3 MR. ENGEL: Back on the record.  
4 BY MR. ENGEL:  
5 Q My understanding is, Doctor, you  
6 had something you wanted to clarify from your prior  
7 testimony?  
8 A Yes. I wanted to be clear about  
9 when you oriented me to the post on the GroupMe I was  
10 focused on the actual post, language of the post,  
11 which you sort of pointed me to and I was not  
12 including the name change with the 1-0. I do find --  
13 If you wanted me to include that in my reflection on  
14 the post I would say that the 1-0 was unprofessional.  
15 Q Okay. So let me pull that up on  
16 the screen here.  
17 Okay. So what is professional  
18 about -- unprofessional about the changing of the name  
19 to 1-0?  
20 A 1-0 to me indicates a sports win  
21 and losing streak and it's not professional in the  
22 setting of --  
23 Q How would anyone -- How would  
24 anyone who read this know what this was about?  
25 MS. QUAN: Objection.

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1 A My understanding of Title IX is  
2 that the individuals may share their own information  
3 with close friends and confidants and --  
4 Q Okay.  
5 A -- I suspect Jane -- My  
6 understanding is that Jane had shared some of the  
7 information with close friends and confidants.  
8 Q So does this language violate any  
9 of the standards you set forth in your April 16th  
10 email, Exhibit 19?  
11 MS. QUAN: Objection.  
12 A Again when you say "language"  
13 you're speaking of the language of the post, but the  
14 changing of the name is, in fact, gloating. It's a  
15 win-to-loss ratio.  
16 Q It sounds like it's gloating over  
17 his fortune; right?  
18 A Yes.  
19 Q Okay. And is John Noakes allowed  
20 to be happy that he won his case?  
21 MS. QUAN: Objection.  
22 A Certainly.  
23 Q Is John Noakes allowed to express  
24 to others in the community that he's happy that he won  
25 his case?

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1 MS. QUAN: Objection.  
2 A Certainly.  
3 Q Is John Noakes considered by  
4 Case Western innocent until proven guilty?  
5 MS. QUAN: Objection.  
6 A Certainly.  
7 Q Is that an important value,  
8 innocent until proven guilty, that you teach students  
9 at the medical school?  
10 MS. QUAN: Objection.  
11 A I think that's an important value  
12 in life. Whether it's in the medical school  
13 curriculum I actually couldn't tell you.  
14 Q Is it unprofessional of students to  
15 assume that someone is guilty if they haven't been  
16 proven guilty?  
17 MS. QUAN: Objection.  
18 A I don't equate professionalism with  
19 guilty -- innocent or proven guilty. The trouble I  
20 have with the post is that he, John Noakes, with his  
21 own name took lots of credit and gloated 1-0 against  
22 others, so, yes, he can be happy, but, no, he should  
23 not gloat.  
24 Q And so as a result of this --  
25 A And he clearly took credit for it

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1 which is different than the survey which I hadn't seen  
2 before, the petition which I hadn't seen before, which  
3 I don't know where the source of those are, so they --  
4 they are concerning to me, but no one has put their  
5 name across the top and saying, "This is my work. I  
6 want credit for this," versus John Noakes who is  
7 clearly taking credit for the 1-0.

8 Q So if the school was aware -- Do  
9 you know if the school was aware of who created  
10 Exhibit 5?

11 A I -- I never saw this until today.

12 Q Okay. If the school was now aware  
13 of who created Exhibit 5 would you expect them to take  
14 any action against that student?

15 MS. QUAN: Objection.

16 A I would want to know who did it and  
17 have a -- Yes, I would create an Early Concern on  
18 that.

19 Q The same with Exhibit 4, if you  
20 found out who did it would you want an Early Concern  
21 created about that?

22 MS. QUAN: Objection.

23 A Again I think this is misguided  
24 and, yes, I would -- I would submit an Early Concern  
25 on this.

1 Q Okay. So if I offline provide you  
2 with the name of the student who created Exhibit 4 and  
3 Exhibit 5 will we expect you then to submit an  
4 Early Concern?

5 MS. QUAN: Objection.

6 A Yes, if your -- you have authentic  
7 data on the source of those.

8 Q Sure. And I don't want to put them  
9 in the deposition, so we'll provide it offline to you.

10 But getting back then to Exhibit 1  
11 a couple questions: First John Noakes was required to  
12 undergo counseling or coaching as a result of  
13 Exhibit 1; is that correct?

14 A As a result of the Early Concern  
15 cards, correct.

16 Q Okay. And -- Well, the  
17 Early Concern cards were about Exhibit 1; right?

18 A Correct.

19 Q Okay. So what was the nature of  
20 the coaching that he was required to undergo?

21 A I'm sorry. I'm not understanding.  
22 It was considered a professionalism concern, i.e., the  
23 gloating and score keeping and the coaching was  
24 intended to help him be the best version of himself  
25 away from unprofessional/gloating behavior.

1 Q So as part of that coaching is he  
2 required to demonstrate further or more empathy toward  
3 Jane Roe?

4 MS. QUAN: Objection.

5 A I don't know that that's the  
6 intended outcome. I think the intended outcome is  
7 that he authentically participate in coaching and  
8 reflect on his behavior and the effect of that  
9 behavior on others which is, in fact, empathy.

10 Q So would he be required to admit  
11 that he did something wrong as part of that coaching?

12 MS. QUAN: Objection.

13 A I think self-reflection requires  
14 some internal dialogue. I don't know if that answers  
15 your question, admit that he did something wrong --

16 Q Well, before --

17 A -- or --

18 Q I'm sorry -- I'm -- I'm sorry. I  
19 didn't mean to cut you off.

20 A Go ahead.

21 Q But before I think in response to  
22 one of my questions you talked about people speaking  
23 their truth?

24 A What -- What -- What are you  
25 referring to? I'm sorry.

1 Q I think when I was asking you about  
2 Exhibit 4, for example, you said that this was people  
3 speaking -- expressing their -- their true beliefs?

4 A I don't remember saying that.

5 Q Did I understand your testimony  
6 right?

7 A I don't recall saying anything  
8 about true belief. I said that some of this is about  
9 recording their concern or their preferences which is  
10 what the words on the survey actually say, "I am  
11 concerned," or, "My preference, I prefer."

12 Q What if John Noakes' preference was  
13 that he didn't do anything wrong and he was a victim  
14 of a harassment and smear campaign by Jane Roe --  
15 Would he then be justified in expressing that opinion?

16 MS. QUAN: Objection.

17 A I am not sure that he's been  
18 suppressed to say anything that he's wanted to say, so  
19 I don't understand the question.

20 MR. ENGEL: Pam, can you repeat the  
21 question? I'm having a hard time hearing  
22 you.

23 THE REPORTER: Yeah, I'm having a  
24 little bit of trouble too.

25 MS. QUAN: And for some reason -- I

1 was going to say we're -- it's -- it's  
 2 quieter on our end too, so let's just --  
 3 we'll -- we'll try to increase the volume.  
 4 Can you -- Can you hear us better  
 5 now?  
 6 MR. ENGEL: Yes.  
 7 THE REPORTER: Yes.  
 8 MS. QUAN: Sorry about that.  
 9 MR. ENGEL: Pam, can you repeat the  
 10 question?  
 11 (Question on Page 60, Lines 12  
 12 through 15, was read back by the  
 13 reporter.)  
 14 MS. QUAN: Objection.  
 15 Q You can answer.  
 16 A I am really not sure what you're  
 17 asking. Is he justified to express his opinion? He  
 18 is expressing his opinion. I -- I -- I don't --  
 19 You're making it sound like someone's not letting him  
 20 express his opinion.  
 21 Q If John Noakes had posted,  
 22 "Jane Roe is a total liar. I'm glad I was found not  
 23 responsible," would that have raised professionalism  
 24 concerns?  
 25 MS. QUAN: Objection.

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1 A Yes.  
 2 Q If he had posted, "I didn't do it,"  
 3 would that have raised professionalism concerns?  
 4 MS. QUAN: Objection.  
 5 A No, not to me.  
 6 MR. ENGEL: Again I'm -- I'm  
 7 having -- Amanda, I'm having a hard time  
 8 hearing on your end.  
 9 MS. QUAN: Still -- Still having  
 10 difficulty hearing us?  
 11 MR. ENGEL: Yeah.  
 12 MS. QUAN: Could we go off the  
 13 record for a second?  
 14 MR. ENGEL: Sure.  
 15 (Off-the-record discussion.)  
 16 MR. ENGEL: All right. Let's go  
 17 back on the record here.  
 18 BY MR. ENGEL:  
 19 Q Is it fair to say that a lot of  
 20 students at Case Western disagreed with the outcome of  
 21 the Title IX panel in the case between John Noakes and  
 22 Jane Roe?  
 23 MS. QUAN: Objection.  
 24 A I would say many students had an  
 25 emotional reaction to the decision.

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1 Q Wasn't it more than that? Isn't it  
 2 true that a lot of students believed John Noakes was  
 3 guilty and that the panel got it wrong?  
 4 MS. QUAN: Objection.  
 5 A I don't know what the students  
 6 believed. I know --  
 7 Q Didn't --  
 8 A -- that they --  
 9 Q Well, I'm sorry. Didn't they tell  
 10 you what they believed in their Early Concerns?  
 11 A I will tell you that they were  
 12 triggered by the events and the conclusions and there  
 13 were several students who came forward in multiple  
 14 avenues and reports to express their sense of not  
 15 feeling safe, wanting to walk out of the medical  
 16 school curriculum. It was -- They had their own  
 17 experiences that this was triggering for them. There  
 18 was a lot of emotion.  
 19 Q And isn't it true that a lot of  
 20 that emotion was based on the belief that John Noakes  
 21 was guilty of sexually assaulting Jane Roe?  
 22 MS. QUAN: Objection.  
 23 A I -- I don't know honestly.  
 24 Q Well, you reviewed the  
 25 Early Concerns in this case; right?

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1 A I saw them at one point, yes.  
 2 Q Well, more than that; right? I  
 3 mean I think I marked your Affidavit as an exhibit,  
 4 right, and in your Affidavit you said --  
 5 A Uh-huh.  
 6 Q -- that more than 30 medical  
 7 students submitted Early Concerns and then you  
 8 described the content of those Early Concerns?  
 9 A Yes, I -- I reviewed them.  
 10 Q Okay. And so when you reviewed  
 11 them you were -- you became aware that a lot of the  
 12 students actually believed that John Noakes was guilty  
 13 and wanted the school to take action because of that?  
 14 MS. QUAN: Objection.  
 15 A I might not have interpreted them  
 16 the same way you did. Yes, there were a lot of  
 17 emotions about the situation and the conclusion.  
 18 Considerable effort was made to express the -- the due  
 19 process of the Title IX complaint and its conclusions.  
 20 Q Well, so let's -- I mean I'm  
 21 showing you what we marked before as Exhibit 9. These  
 22 are the Early -- a summary of the Early Concerns;  
 23 right?  
 24 A Uh-huh.  
 25 Q You reviewed Exhibit 9 before?

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1 A I -- I have seen this before once,  
 2 yes.  
 3 Q Okay. So we know, for example, if  
 4 we look at student -- Early Concern No. -- Well, 4,  
 5 for example, it says that John Noakes, you know, "has  
 6 demonstrated threatening/intimidating behavior after  
 7 raping another student. He was allowed to walk around  
 8 campus, perform abdominal exams, participate in  
 9 standardized patient interactions"; right?  
 10 A That student is assuming guilt,  
 11 yes.  
 12 Q Yeah.  
 13 So I mean that's -- that's my  
 14 point; right? Student 4 -- No. 4 seems to believe  
 15 John Noakes is guilty?  
 16 A Several of them are inappropriate  
 17 group chat views, public gloating of other's private  
 18 information.  
 19 Q Okay. Let's focus on the question  
 20 I asked; right?  
 21 A number of these Early Concerns  
 22 were from students who believe that John Noakes was  
 23 guilty; right?  
 24 MS. QUAN: Objection.  
 25 A No. 4 was, yes.

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1 Q Okay. And then Number -- So No. 4  
 2 was.  
 3 Number -- Let's see, No. 8, for  
 4 example, says John Noakes, "not be allowed to become a  
 5 physician. We cannot let a person who sexually  
 6 assaults a woman, a colleague, to continue in this  
 7 path." So No. 8 is like that too; right?  
 8 MS. QUAN: Objection.  
 9 Q It's a question. You can go ahead  
 10 and answer it.  
 11 A The assumption of guilt of a sexual  
 12 assault is implied, yes.  
 13 Q Okay. And -- And more than the  
 14 assumption of guilt, No. 8 wants you to kick  
 15 John Noakes out of school because he was guilty of  
 16 sexual assault?  
 17 MS. QUAN: Objection.  
 18 A No. 8 includes the fact that he  
 19 took the opportunity to gloat is included, so, yes,  
 20 the combination of those things are leading this  
 21 person to make that conclusion.  
 22 Q Okay. Let's jump around a little  
 23 bit. No. 20, "Student sexually assaulted a fellow  
 24 student. He felt zero remorse and instead chose to  
 25 gaslight this student and turn the narrative onto

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1 her." Student 20 obviously believed John Noakes was  
 2 guilty; right?  
 3 MS. QUAN: Objection.  
 4 Q And I don't need to go through  
 5 those all; right? I mean there's a number of others  
 6 that fall in that category too; right?  
 7 MS. QUAN: Objection.  
 8 A I'll take your word for it that 4  
 9 and 8 and 20 are involved in accusing --  
 10 Q Let's go through some others then.  
 11 No. 16 student, "Student engaged  
 12 in" --  
 13 A I'm -- I'm --  
 14 Q -- "clear sexual misconduct  
 15 with" --  
 16 A -- obliging you --  
 17 Q -- "a fellow student in our class."  
 18 A I'm obliging you, but you can go  
 19 through more if you'd like to.  
 20 Q Well, so -- Okay. Did you have any  
 21 concerns that the Early Concern process was being  
 22 abused in order to pressure the University to over --  
 23 essentially overturn the Title IX decision and kick  
 24 John Noakes out of school?  
 25 MS. QUAN: Objection.

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1 A I did not believe the  
 2 Early Concerns were being misused. I did not believe  
 3 anyone would believe Early Concerns would overturn a  
 4 Title IX decision, and I do not believe still that  
 5 Early Concerns can be a mechanism to get a student  
 6 expelled from school without cause.  
 7 Q Did anyone encourage the 31  
 8 students described in Exhibit 9 to submit  
 9 Early Concerns?  
 10 MS. QUAN: Objection.  
 11 A Absolutely not.  
 12 Q Is it your belief that the 31  
 13 students who submitted Early Concerns were genuinely  
 14 upset by John Noakes' post?  
 15 MS. QUAN: Objection.  
 16 A It is my belief that they were  
 17 genuinely upset. We fielded several calls, several  
 18 reports.  
 19 Q So if I look it appears that only 2  
 20 Early Concerns are submitted on -- shortly after  
 21 John Noakes' post and then the rest, the other 29,  
 22 were submitted more than 10 days afterwards. Do you  
 23 know why there was that 10-day delay?  
 24 A I do not.  
 25 Q Do you know why it appears that

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1 almost all of the posts were submitted in a 20 --  
 2 almost 24-hour period on April 25th and April 26th?  
 3 A I do not.  
 4 Q Do you believe it's just a  
 5 coincidence that all of a sudden 10 days later 29  
 6 students decide to submit Early Concerns?  
 7 MS. QUAN: Objection.  
 8 A I do not have an explanation.  
 9 Q Does it raise any concerns for you  
 10 that perhaps someone was encouraging students 10 days  
 11 later to submit Early Concerns?  
 12 MS. QUAN: Objection.  
 13 A It doesn't raise concerns to me,  
 14 no. I think these are challenging nuanced and  
 15 emotionally charged events and -- and I know how much  
 16 fear was occurring in amongst the students during this  
 17 time.  
 18 Q So is it your belief that these  
 19 events were so challenging and creating so much fear  
 20 that 29 students waited 10 days to file a response and  
 21 then all of a sudden a whole bunch of them file a  
 22 response in a short period of time?  
 23 A It's not beyond the reasonable  
 24 explanation. Medical school is hard with exams and  
 25 very important events in the curriculum. I would have

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1 to go back and look and see if there were distracting  
 2 features like exams before they -- I don't -- I  
 3 couldn't explain it to you, but, you know, if you have  
 4 ever been in medical school there are pressing timely  
 5 things that take priority.  
 6 Q I mean that's one explanation,  
 7 right, that there's something -- that something was  
 8 distracting all these students for 10 days; right --  
 9 Is that what you're saying?  
 10 A I'm saying it's -- it's possible,  
 11 yes.  
 12 Q So what did you do to figure out  
 13 why all of a sudden 10 days later 29 students are  
 14 submitting Early Concerns against John Noakes?  
 15 MS. QUAN: Objection.  
 16 A I did nothing.  
 17 Q And is it fair to say that a number  
 18 of these Early Concerns that were submitted 10 days  
 19 later express disagreement with the fact that  
 20 John Noakes was not found guilty and kicked out of the  
 21 medical school?  
 22 MS. QUAN: Objection.  
 23 A I do not receive the  
 24 Early Concerns. They are received by a neutral staff  
 25 member who sanitizes and anonymizes them prior to

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1 submitting them to the Professionalism Working Group,  
 2 so I would have no knowledge until this information  
 3 was provided for me after the fact about the time and  
 4 date of the submissions.  
 5 Q Well, now that you know that there  
 6 is a 10-day delay, that a number of the submissions  
 7 expressed a view that John Noakes was actually guilty,  
 8 does this raise any concerns in your mind about the  
 9 credibility of these Early Concerns?  
 10 MS. QUAN: Objection.  
 11 A No, it does not.  
 12 Q Was it a concern in your mind that  
 13 someone was encouraging students to file these  
 14 Early Concerns for an alternative reason?  
 15 MS. QUAN: Objection.  
 16 A No, that does not raise concern for  
 17 me.  
 18 Q Did -- Do you have any reason to  
 19 believe -- Well, I will show you what we marked as  
 20 Exhibit 11. This is an email sent on April 21st by  
 21 Molly Simmons setting up a meeting on April 26th. Did  
 22 you have any role in drafting this email?  
 23 A I did not.  
 24 Q Did you appear at this meeting?  
 25 A I did not.

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1 Q Do you know why this meeting was  
 2 set up?  
 3 A Yes.  
 4 Q Why was this meeting set up?  
 5 A This meeting was set up to address  
 6 the emotion and concerns amongst the first-year  
 7 medical school class regarding the Title IX  
 8 conclusions.  
 9 Q And just so we're clear you said  
 10 about the Title IX conclusions. You mean that a  
 11 number of students were upset with how the Title IX  
 12 process had turned out?  
 13 MS. QUAN: Objection.  
 14 A The meeting was intended to explain  
 15 the due process of Title IX.  
 16 Q And was it -- As part of the  
 17 meeting was there an intention to explain to students  
 18 that as professionals they need to respect the process  
 19 that the school has set up?  
 20 A I wasn't at the meeting, but, yes,  
 21 that was part of the intent.  
 22 Q Do you believe that meeting was  
 23 successful given the nature of the Early Concerns that  
 24 were submitted a couple days later?  
 25 A Again I was not at the meeting.

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1 Q What steps did the medical school  
2 take to tell students that they needed to respect the  
3 process?  
4 MS. QUAN: Objection.  
5 A This meeting.  
6 Q I'm sorry. I didn't hear your  
7 answer?  
8 A This meeting.  
9 Q Anything else?  
10 A Not that I recall.  
11 Q Are you aware of any other attempts  
12 to bully, intimidate, or ostracize John Noakes?  
13 MS. QUAN: Objection.  
14 A I am not.  
15 Q I will show you what we have marked  
16 as Exhibit 7 which is a June 15th email from  
17 Molly Simmons to Dr. Ricanati. Have you ever seen  
18 this email before?  
19 A I have not.  
20 Q Okay. And in this email she  
21 reports that, "There have been several instances in  
22 the class groupme and a few in IQ of students publicly  
23 belittling or humiliating John Noakes" -- Did I read  
24 that correctly?  
25 A I'm sorry. Is the below the line

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1 from Molly or from someone else?  
2 Q The redacted portion you mean?  
3 A No, no. There's a line above the,  
4 "There have been several issues." Is that from Molly  
5 or is that forwarded from some other source?  
6 Q I have no idea. You tell me.  
7 A I have no idea. This is the first  
8 time I'm seeing this.  
9 Q Well, so let me -- let me ask a  
10 couple questions there.  
11 First what is IQ?  
12 A It's the small group inquiry  
13 learning groups.  
14 Q Are you aware of any instances in  
15 the class GroupMe or in the IQ of students belittling  
16 or humiliating John Noakes?  
17 A I am not aware besides pointing out  
18 this email to me.  
19 Q Okay. Are you aware of any actions  
20 that the University took to stop students from  
21 publicly belittling or humiliating John Noakes?  
22 MS. QUAN: Objection.  
23 A I didn't know it was happening. I  
24 didn't take any steps to stop it, no.  
25 Q Would it be a professionalism

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1 violation for students to encourage other students to  
2 file Early Concerns against John Noakes?  
3 MS. QUAN: Objection.  
4 A Would it be a professionalism  
5 concern -- The -- The Early Concerns are the mechanism  
6 to raise concerns about another student, so other  
7 students encouraging others to use the formal channels  
8 is not a professionalism issue.  
9 Q Would referring to another student  
10 as a rapist or sexual predator raise professionalism  
11 concerns?  
12 MS. QUAN: Objection.  
13 A Yes.  
14 Q Do you know what actions were taken  
15 in regards to the students in Exhibit 9 who referred  
16 to John Noakes as a rapist or sexual predator or other  
17 accusatory language?  
18 MS. QUAN: Objection.  
19 A I do not know.  
20 Q Do you know if any action was taken  
21 against any students for that?  
22 A I do not know.  
23 Q Are you aware of any student who  
24 has been brought before the PWG in regards to making  
25 accusatory or inflammatory statements about

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1 John Noakes?  
2 A I do not know.  
3 Q Are you aware of any students who  
4 have been brought before the Committee on Students in  
5 regards to making inflammatory or accusatory  
6 statements against John Noakes?  
7 A As someone who participates on the  
8 Committee on Students I have not seen that been  
9 brought to the Committee on Students.  
10 Q Are you aware of any students who  
11 were brought before the PWG for lack of empathy  
12 towards John Noakes?  
13 MS. QUAN: Objection.  
14 A I am not.  
15 Q Are you aware of any students who  
16 have been brought before the Committee on Students for  
17 lack of empathy towards John Noakes?  
18 A I am not aware that any student has  
19 been brought to the COS.  
20 Q Okay. Do you know if Jane Roe has  
21 been required to engage in professional counseling in  
22 regards to some of her posts online?  
23 MS. QUAN: Objection.  
24 A I do not know.  
25 Q I will show you what we marked as

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1 Exhibit 6 which is an email April 20th, 2021, and it  
2 attached what is most important a document that was  
3 posted at the medical school. Were you aware of this  
4 document being posted?

5 A I was aware of it when it was found  
6 in the bathroom.

7 Q Okay. What actions did the school  
8 take to find out who was the person who posted this?

9 A We explored video cameras and  
10 people in the vicinity to find out who had been in  
11 that bathroom.

12 Q What did you discover?

13 A We had no -- We had no information  
14 to go on about who posted it.

15 Q So what actions did the school take  
16 to protect John Noakes against further harassment of  
17 this type?

18 MS. QUAN: Objection.

19 A We took the sign down immediately  
20 and destroyed it.

21 Q What else did you do?

22 A We had the meeting about the  
23 Title IX process.

24 Q During that meeting were people  
25 told that they should show empathy towards

1 John Noakes?

2 A I was not at the meeting. I do not  
3 know.

4 Q Are you aware that John Noakes has  
5 complained about misconduct by Jane Roe?

6 A Yes.

7 Q What actions has the school taken  
8 to address John Noakes' complaints?

9 MS. QUAN: Objection.

10 A His complaints have all been filed  
11 with the Office of Equity outside of my jurisdiction.

12 Q Did any of his concerns raise  
13 issues of professionalism about Jane Roe?

14 MS. QUAN: Objection.

15 A Again the Office of Equity is its  
16 own process and outside of my jurisdiction.

17 Q Has the PWG or COS ever reviewed  
18 any concerns about misconduct or retaliation by  
19 Jane Roe?

20 MS. QUAN: Objection.

21 A I do not know about the PWG and,  
22 no, to the Committee on Students.

23 Q Have any faculty members at  
24 Case Western promised students that action would be  
25 taken against John Noakes?

1 MS. QUAN: Objection.

2 A I don't know. There's over 5,000  
3 faculty here.

4 Q Are you aware of anybody who said  
5 that?

6 A No.

7 Q Has someone ever told John Noakes  
8 that they were sorry for what happened to him?

9 MS. QUAN: Objection.

10 A I don't know.

11 Q Let me show you what we marked as  
12 Exhibit 14 which is a May 25th, 2021, email from  
13 Jane Roe. Do you remember receiving this email?

14 A I do.

15 Q Do you know why Jane Roe sent this  
16 email on this day?

17 MS. QUAN: Objection.

18 A I do not know why she sent it on  
19 this day.

20 Q Are you aware that this email was  
21 sent on the same day that John Noakes was required to  
22 appear before the Committee on Students?

23 A I was not aware.

24 Q Do you believe that's just a  
25 coincidence?

1 A I have no idea.

2 Q Is it fair to say in this email  
3 John -- Jane Roe is asking you as a medical school to  
4 take further actions against John Noakes?

5 MS. QUAN: Objection.

6 A I think she's venting her spleen as  
7 we say.

8 Q And so what did you do after  
9 receiving this email?

10 A I believe her Society Dean  
11 responded with an empathic response.

12 Q Do you know if Jane Roe was told  
13 she should just hunker down and do her own stuff if  
14 she wanted to stay in the class?

15 A I do not know.

16 Q Would that have been an appropriate  
17 response?

18 MS. QUAN: Objection.

19 A Would that have been an appropriate  
20 response -- It's a response. I'm not sure what you're  
21 asking.

22 Q Well, here she is -- She's claiming  
23 she's a victim; right?

24 A Correct.

25 Q Okay. And would it be an

1 appropriate empathetic response for someone at the  
 2 school to say, "You just need to hunker down and  
 3 ignore what happened?"  
 4 A Again I'm stuck on your word  
 5 "appropriate". I -- I think it's not an unreasonable  
 6 piece of advice to focus on your future and let the  
 7 past heal to accomplish your career goals.  
 8 Q If a student is claiming that they  
 9 are the victim of ongoing harassment should they be  
 10 told to just ignore it?  
 11 MS. QUAN: Objection.  
 12 A I think ongoing harassment should  
 13 be reported and managed.  
 14 Q Should a student who believes that  
 15 they are suffering ongoing harassment be told to not  
 16 report it?  
 17 A No.  
 18 Q Should a student who believed that  
 19 they were undergoing ongoing harassment -- I'm  
 20 sorry -- who was -- who was undergoing retaliation be  
 21 told that they should not report it?  
 22 A No.  
 23 Q Should a student who believed that  
 24 they were undergoing harassment and/or retaliation be  
 25 told to stop looking like you're causing problems?

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1 MS. QUAN: Objection to this line  
 2 of questioning.  
 3 A Can you repeat the question?  
 4 MR. ENGEL: Can you read it back,  
 5 please, Pam?  
 6 (Question on Page 81, Lines 23  
 7 through 25, was read back by the  
 8 reporter.)  
 9 A It's -- It's hard to answer that  
 10 question out of context. I think there are strategies  
 11 of laying low, so it's hard to answer.  
 12 Q Well, let me give you some context.  
 13 If a student came to you and said, "I am being  
 14 harassed by a professor," would you tell that student  
 15 not to file a Title IX complaint?  
 16 MS. QUAN: Objection.  
 17 A As I answered before any ongoing  
 18 harassment should be reported and managed.  
 19 Q Is it against Case Western policy  
 20 to discourage a student from filing a Title IX  
 21 complaint?  
 22 MS. QUAN: Objection.  
 23 A I don't know of such policy.  
 24 Q So you believe it is permissible at  
 25 Case Western to discourage a student from filing a

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1 Title IX complaint?  
 2 MS. QUAN: Objection.  
 3 A You asked about policy?  
 4 Q Do you believe Case Western's  
 5 policies permit someone to discourage a student from  
 6 filing a Title IX complaint?  
 7 MS. QUAN: Objection, misstating.  
 8 A I believe Case Western's policy  
 9 encouraged faculty to encourage students to report  
 10 mistreatment and harassment period.  
 11 Q Do you know if Jane Roe was ever  
 12 discouraged from filing complaints of harassment or  
 13 retaliation?  
 14 A I do not know.  
 15 Q Do you know if Jane Roe was ever  
 16 told whether in response to the May 25th email or  
 17 otherwise that she needed to stop looking like she was  
 18 causing problems?  
 19 A I do not know.  
 20 Q Are you aware if in August or  
 21 September of 2021 Case Western was under pressure to  
 22 discipline John Noakes to show students that it took  
 23 allegations of sexual assault seriously?  
 24 MS. QUAN: Objection.  
 25 A I know that to be false.

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1 Q How do you know that to be false?  
 2 A Because I would know as the  
 3 Vice Dean, I believe.  
 4 Q Well, let me show you an email  
 5 which we'll mark as Exhibit 26 which is an  
 6 August 16th, 2021, email to Dr. Ricanati from a  
 7 student.  
 8 (Plaintiff's Exhibit 26 was marked  
 9 for identification.)  
 10 BY MR. ENGEL:  
 11 Q Have you ever seen this email  
 12 before?  
 13 A I have not.  
 14 MS. QUAN: I'm sorry, Josh. What  
 15 are the Bates -- What's the Bates for this  
 16 one?  
 17 MR. ENGEL: Bates No. 768.  
 18 MS. QUAN: Thank you.  
 19 BY MR. ENGEL:  
 20 Q Is it fair to say that this is an  
 21 email asking that John Noakes be removed from a small  
 22 group?  
 23 A Okay.  
 24 Q So this is a -- appears to be some  
 25 request back in August that the school take action

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1 against John Noakes?

2 A I don't interpret it that way.

3 Q Do you know if the school's

4 received emails from Jane Roe's father complaining

5 about the way this situation has been handled?

6 A I do not know.

7 Q So let me show you what we'll mark

8 as Exhibit 27, the August 30th, 2021, email from

9 Todd Otteson -- Did I pronounce it right?

10 A Otteson.

11 Q Otteson.

12 -- to Steve Ricanati.

13 (Plaintiff's Exhibit 27 was marked

14 for identification.)

15 BY MR. ENGEL:

16 Q Have you ever seen this email

17 before?

18 A I have not.

19 Q And it describes a message from

20 Jane Roe's dad complaining about her and John Noakes;

21 is that right?

22 A That's what it looks like. It's

23 uncomfortable that she had to step out. You know, it

24 looks like it's a clarification about the Do Not

25 Contact Order.

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1 Q I will show you what we'll mark

2 as --

3 MR. ENGEL: Oh, and, by the way, in

4 case I didn't say it Exhibit 27 has Bates No.

5 717 at the bottom.

6 BY MR. ENGEL:

7 Q I'll show you what we'll mark as

8 Exhibit 28, an August 27th email from an undisclosed

9 person to Dr. Ricanati on August 27th, 2021, Bates No.

10 943 at the bottom.

11 (Plaintiff's Exhibit 28 was marked

12 for identification.)

13 BY MR. ENGEL:

14 Q Have you ever seen this email?

15 A No.

16 Q And again it appears that this

17 email is also expressing concerns about the situation

18 between John Noakes and Jane Roe?

19 MS. QUAN: Objection.

20 Q There's a question there.

21 A I am still reading it.

22 Q Okay.

23 A What's the question? Sorry.

24 Q So were you aware that the school

25 had been receiving emails or messages from Jane Roe's

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1 father about the situation with John Noakes?

2 A I was not aware.

3 Q Do you know if the school ever

4 reached a financial settlement with Jane Roe regarding

5 the matter with John Noakes?

6 MS. QUAN: Objection.

7 A I have no knowledge.

8 Q Do you know if the school has

9 received correspondence from an attorney representing

10 Jane Roe about the manner in which it handled the

11 situation with John Noakes?

12 MS. QUAN: Objection.

13 A I have no knowledge.

14 Q Is John Noakes subject to the same

15 rules as other students at Case Western?

16 MS. QUAN: Objection.

17 A Yes.

18 Q Is the PWG who would review conduct

19 by John Noakes the same as the PWG that would review

20 conduct by other students?

21 MS. QUAN: Objection.

22 A Yes.

23 Q In particular is the PWG that would

24 review conduct of John Noakes the same as -- that

25 would review conduct for Jane Roe?

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1 MS. QUAN: Objection.

2 A Yes.

3 Q Is the PWG that would review

4 conduct of John Noakes the same as the PWG that would

5 review conduct by the students who authored the

6 petition and survey that we discussed earlier today?

7 MS. QUAN: Objection.

8 A Yes.

9 Q Do you know if John Noakes was ever

10 pressured to take a year off of school?

11 A I do not know.

12 Q Do you know if he was ever told

13 that it was his obligation to de-escalate the

14 situation with Jane Roe?

15 MS. QUAN: Objection.

16 A I have no knowledge of that.

17 Q Do you know if he was ever told

18 that he needs to not make his own Title IX reports?

19 MS. QUAN: Objection.

20 A I have no knowledge of that.

21 Q Do you know if he was told that if

22 he continued with Title IX complaints against Jane Roe

23 or Dr. Ricanati he was digging himself a hole?

24 MS. QUAN: Objection.

25 A I have no knowledge of that.

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1 Q If you learned that a faculty  
2 member at Case Western had made such statements to him  
3 what would you do?

4 MS. QUAN: Objection.

5 A I would explore where the truth  
6 lies between perception and reality.

7 Q What do you mean by that?

8 A Perception and reality should be  
9 overlapping, but everyone has their own purview. It's  
10 like what part of the elephant they're focused on. So  
11 I would explore where the truth is and what was said  
12 and why and what the intent was.

13 Q What if it were proven to you  
14 beyond a doubt that those statements were made to  
15 John Noakes, what would you do then?

16 MS. QUAN: Objection.

17 A I would develop a remediation plan  
18 for the faculty member.

19 Q What would that remediation plan  
20 include?

21 MS. QUAN: Objection.

22 A I would personalize it so I  
23 couldn't say, but I would do some professional  
24 coaching.

25

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1 Q All right. Give me one moment. I  
2 think -- Are you -- Do you know if a student who is  
3 accused of sexual misconduct at Case Western is -- is  
4 required to keep that process confidential?

5 MS. QUAN: Objection.

6 A My understanding is that  
7 individuals involved in Title IX or sexual misconduct  
8 complaints are encouraged to keep the proceedings  
9 confidential, but they are allowed to share their  
10 experience with close friends and colleagues. That's  
11 my understanding.

12 Q Okay. And where -- where would I  
13 find that if I wanted to know for sure?

14 A I ask the Office of Equity.

15 Q So it would be in the Title IX  
16 policy then?

17 MS. QUAN: Objection.

18 A I ask the Director of the  
19 Office of Equity. I do not know if it sits in one of  
20 their policies.

21 Q Do you know if there's any policy  
22 at Case Western that prohibits students from  
23 criticizing the Title IX process?

24 A I do not know.

25 Q Do you know if there's anything --

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1 or any policy at Case Western that prohibits students  
2 from discussing the underlying facts of an allegation  
3 of sexual misconduct?

4 A I am struggling with your word of  
5 "facts". If it weren't my own information it wouldn't  
6 be fact, right, so is that what you're asking, my  
7 personal factual information?

8 Q Well, I mean am I -- Let me ask a  
9 different question.

10 Is there anything at Case Western,  
11 policy, procedure, the like, that prohibits a student  
12 from discussing the nature of their former  
13 relationships?

14 MS. QUAN: Objection.

15 A I don't know. I would have to  
16 review the Title IX policies in more detail.

17 Q Are faculty members who have never  
18 served on the COS or PWG familiar with the process --

19 MS. QUAN: Objection.

20 Q -- they go through?

21 MS. QUAN: Objection.

22 A The process the Committees go  
23 through, the groups go through?

24 Q Yes.

25 A There is an orientation to both.

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1 Q Are these secret processes?

2 MS. QUAN: Objection.

3 A Which process is -- No, nothing is  
4 secret. They're confidential. They're not secret.

5 MR. ENGEL: All right. I have  
6 nothing further. I want to thank you very  
7 much for your time.

8 Counsel may have questions for you  
9 or she may not. That's up to her. But I'll  
10 turn the floor over to her, Amanda, so thank  
11 you very much. I appreciate it.

12 THE WITNESS: Thank you.

13 MS. QUAN: Thanks, Josh. I have no  
14 questions. And, Pam, we will read.

15 MR. ENGEL: All right. We're off  
16 the record then.

17

18 -----  
19 LIA LOGIO, M.D.

20 (DEPOSITION CONCLUDED AT 2:59 P.M.)

21

22

23

24

25

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C E R T I F I C A T E

STATE OF OHIO :  
COUNTY OF BUTLER : SS:

I, Pamela L. Jackson, a duly qualified and  
commissioned notary public in and for the State of  
Ohio, do hereby certify that prior to the giving of  
her deposition, the within named LIA LOGIO, M.D., was  
by me first duly sworn to testify to the truth, the  
whole truth, and nothing but the truth; that the  
foregoing pages constitute a true and correct  
transcript of testimony given at said time and place  
by said deponent; that said deposition was taken by me  
in stenotypy and transcribed under my supervision;  
that I am neither a relative of nor attorney for any  
of the parties to this litigation, nor relative of nor  
employee of any of their counsel, have no interest  
whatsoever in the result of this litigation, and am  
not, nor is the court reporting firm for which I am  
affiliated, under a contract as defined in Civil Rule  
28(D).

IN WITNESS WHEREOF, I hereunto set my  
hand and official seal of office at Hamilton, Ohio,  
this 3rd day of December, 2021.

Commission Expires: /s/Pamela L. Jackson  
11/17/2023 Pamela L. Jackson